



European Patent Office  
80298 MUNICH  
GERMANY  
Tel. +49 (0)89 2399 - 0  
Fax +49 (0)89 2399 - 4465



Adam, Holger  
Kraus & Weisert  
Patent- und Rechtsanwälte  
Thomas-Wimmer-Ring 15  
80539 München  
ALLEMAGNE

For any questions about  
this communication:  
Tel.: +31 (0)70 340 45 00

Date

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Reference 14903EP/cf	Application No./Patent No. 03724209.6 - 2404 / 1549938 PCT/US0312729
Applicant/Proprietor JOHNS HOPKINS UNIVERSITY	

### Communication

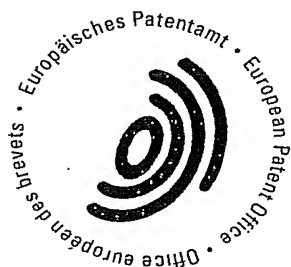
The European Patent Office herewith transmits as an enclosure the supplementary European search report under Article 153(7) EPC for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

- ☒ 1 additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

### Refund of the search fee

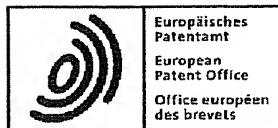
If applicable under Article 9 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.



**SUPPLEMENTARY  
EUROPEAN SEARCH REPORT**

Application Number  
EP 03 72 4209

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X,P	<p>ADAM B-L ET AL: "Serum protein fingerprinting coupled with a pattern-matching algorithm distinguishes prostate cancer from benign prostate hyperplasia and healthy men" CANCER RESEARCH, AMERICAN ASSOCIATION FOR CANCER RESEARCH, BALTIMORE, MD., US, vol. 62, 1 July 2002 (2002-07-01), pages 3609-3614, XP002975917 ISSN: 0008-5472 * abstract; figures 1,2 * * page 3611, left column, paragraph 2- page 3612, left column, paragraph 1; paragraph "SELDI protein profiling" on page 3610 *</p> <p>-----</p>	1,4-6, 8-10	<p>INV. G01N30/72 G01N33/50 G01N33/53 G01N33/68</p>
			<p>TECHNICAL FIELDS SEARCHED (IPC)</p>
			G01N
<p>The supplementary search report has been based on the last set of claims valid and available at the start of the search.</p>			
Place of search		Date of completion of the search	Examiner
Munich		31 March 2010	Vanmontfort, D
<p>CATEGORY OF CITED DOCUMENTS</p> <p>X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document</p> <p>T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons ..... &amp; : member of the same patent family, corresponding document</p>			



Application Number

EP 03 72 4209

### CLAIMS INCURRING FEES

The present European patent application comprised at the time of filing claims for which payment was due.

☐ Only part of the claims have been paid within the prescribed time limit. The present European search report has been drawn up for those claims for which no payment was due and for those claims for which claims fees have been paid, namely claim(s):

☐ No claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for those claims for which no payment was due.

### LACK OF UNITY OF INVENTION

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

see sheet B

☐ All further search fees have been paid within the fixed time limit. The present European search report has been drawn up for all claims.

☐ As all searchable claims could be searched without effort justifying an additional fee, the Search Division did not invite payment of any additional fee.

☐ Only part of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the inventions in respect of which search fees have been paid, namely claims:

☐ None of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims, namely claims:

☒ The present supplementary European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims (Rule 164 (1) EPC).

# LACK OF UNITY OF INVENTION SHEET B

Application Number  
EP 03 72 4209

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

## 1. claims: 1-10(partially)

Method of qualifying prostate cancer status in a subject by measuring at least Marker I having a molecule weight of about 7.808 kD, a kit for aiding diagnosis of cancer comprising an absorbent attached to a substrate wherein the absorbent retains at least said Marker I, Marker I on a biochip, a method for measuring plurality of biomarkers with at least Marker I and an article manufacture comprising at least one capture reagent that binds to at least Marker I.

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## 2-32. claims: 1-10(partially)

Method of qualifying prostate cancer status in a subject by measuring at least respectively Markers II-XXXII for respectively inventions 2-32, a kit for aiding diagnosis of cancer comprising an absorbent attached to a substrate wherein the absorbent retains at least respectively said Markers II-XXXII, said Markers on a biochip, a method for measuring plurality of said biomarkers and an article manufacture comprising at least one capture reagent that binds to at least respectively said Markers II-XXXII.

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The present application lacks unity (Article 82 EPC), the reasons for the objection being as follows:

The common concept and the problem to be solved which can be identified as linking together the different independent claims relates to the provision of biomarkers defined by their MW which can be used to determine prostate cancer status in a subject.

This common concept is anticipated by Adam et al., 2001, Proteomics, 1, 1264-1270 (cited in International search report; abstract; page 1265, left column, paragraph 3-Page 1267, right column, paragraph 1) and Verma et al., 2001, Annals New York Academy of Sciences, 945, 103-115 (cited in International search report; abstract; page 108, last paragraph-page 110, 1st paragraph; figure 3).

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